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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,306	08/27/2003	Daniela Grossert	1449 US	3670

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KEY SAFETY SYSTEMS, INC.  
PATENT DEPARTMENT  
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EXAMINER

SPISICH, GEORGE D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,306

Applicant(s)

GROSSERT ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-20 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/28/03&12/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the constant numbers of individual fibers (as claimed in claim 1) must be shown or the feature(s) canceled from the claim(s). Examiner is considering Figures 2,4 and 5 to show more fibers in portion 8 than in portion 10 (especially in Figure 4). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Should a concise explanation of the Figures explain this detail, such an explanation would be adequate.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 5, [0015] there is disclosed the ratio of the length of the strap to the length of the tapered portion. It is unclear if Applicant is intending to state that the ratios of these are between 20:1 and 1000:1 or some other ratio. Furthermore, the preferable ratio of 30 to 400 (which is similarly unclear) is inconsistent with the ratio in claim 19 which appears to claim 230 to 400 (even though the 2 and 30 are listed on different lines of the claim).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5-17, specifically in claims 5-8, there is claimed a second fastening portion. Examiner is interpreting this detail to be that which is shown in Figure 5. This structure is contradictory to the structure in Claim 1, since in Figure 5, the second fastening portion would be attached to the vehicle and would then conflict with the limitation in claim 1 that the "second portion" be fastened to a vehicle part. Again, in the detail of claims 5-8, the "second portion" of claim 1 would not appear to be fastened to the vehicle part, but now the "second fastening portion" as shown in Figure 5, would be fastened to a vehicle part.

Claim 18-19 are unclear. It is unclear whether the ratios in claims 18 and 19 are in the range of 20:1 to 1000:1 or some other ratio. Furthermore, in Claim 19, lines 3-4, it is unclear whether the initial range is meant to be "230" since the 2 and the 30 are written on different lines and in the specification, the preferred range is 30 to 400. Examiner suggests the ratios be claimed as X:1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominissini et al. (USPN 6,709,010) in view of Gordon et al. (USPN 5,249,825) in further view of DE 2364982 (provided in Applicant's IDS).

Dominissini et al. (as best shown in Fig. 5) discloses a strap for securing a side airbag, the strap being connectable at a first end of the strap via a fastening portion (near 53) to an airbag and at a second end of the strap via a second portion of the strap to a vehicle part (54,58). Dominissini et al. shows a second portion of the strap having a constant cross section and also having a tapered between an enlarged fastening portion and the second portion. The cross section of the fastening portion is larger than the cross section of the second portion. The strap is free of seams. However, although it is arguable that the fastening portion has a constant cross section, and would be made from a constant number of individual fibers, Examiner is considering Dominissini et al. to not show these features for the purpose of this rejection.

Gordon et al. shows an airbag strap with a fastening portion that has a constant cross section and that is larger than the cross section of a "second portion". This enlarged fastening portion increases the connection strength between the strap and the airbag.

With respect to the limitation that a constant number of fibers extending substantially parallel to a longitudinal axis of the strap, DE 2364982 (provided in Applicant's IDS), shows a strap being made of a constant number of individual fibers. This feature enhances the strength and provides desirable dimensions of the strap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the strap of Dominissini et al. to provide an enlarged fastening portion for increased connection strength as taught by Gordon et al. and construct the strap with a constant number of individual fibers as taught by DE '982 so as to enhance the strength, provide desirable dimensions while maintaining/increasing the strength of the strap.

With respect to the ratios of the length of the strap to the length of the tapered portion as in claims 18 and 19, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a necessary or optimum value and in the claimed ratios as discovering an optimum or necessary value involves only routine skill in the art.

Claims 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domonissini et al. in view of Gordon et al and DE '982 as applied to claims 1 and 18-20 above, and further in view of Herzog (USPN 6,557,892).

With respect to claims 5-8 and the depending claims, Examiner is interpreting the claimed subject matter to be that which is shown in Figure 5. This detail is a duplication of the enlarged fastening portion with a tapered portion to provide the same detail to both ends of the strap.

The previous rejection does not disclose a strap having a second fastening portion having a solid and rectangular cross section and a second tapered portion.

Herzog discloses a strap (16) for securing a side airbag. The strap (16) has an enlarged fastening portion (A) for attaching the strap to the vehicle. This enlarged area provides a strong connection to the vehicle. The enlarged portion has a solid and rectangular cross section. This solid and rectangular cross section would be present in the first fastening portion of the strap of Dominissini et al. also.

It would have been obvious to provide a second fastening portion having a solid rectangular cross section on the distal end of the second portion of the strap as is taught by Herzog for increasing the strength of the connection of the strap to the vehicle. Furthermore, the mere duplication of parts so as to provide a second fastening portion connected to the second portion of the strap and having a second tapering portion would be a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Allowable Subject Matter***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



### **Conclusion**

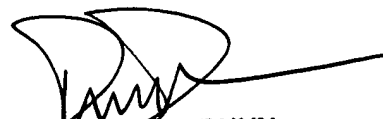
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finelli (USPN 5,609,363), Smith et al. (USPN 6,648,368), Wipasuramonton et al. (USPN 6,412,810), JP11-278185, JP2003-146175, EP 0771694, JP11-170944.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich  
August 16, 2005



**DAVID R. DUNN**  
**PRIMARY EXAMINER**